

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eric A. JOHNSON et al.

Application No: 08/458,019

Filed: 1 June 1996

For: PROCESSES FOR IN VIVO PRODUCTION OF ASTAXANTHIN AND PHAFFIA RHODOZYMA YEAST OF ENHANCED ASTAXANTHIN CONTENT

Group Art Unit: 1808

Examiner: H. Lilling

#25  
S.8.1.  
7/15/98  
(NE)

## REQUEST FOR RECONSIDERATION

**BOX AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Request for Reconsideration is responsive to the Final Office Action mailed 10 April 1998. The Examiner set a three-month period for response making a response due no later than 10 July 1998.

REMARKS

In item 17 on page 2 of the Office Action, claims 25-34 remain rejected under the judicially-created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 5,356,816. The Fleno et al. patent.

The rejection cannot stand for the following reasons.

The instant application claims benefit to U.S. Serial No. 07/229,536 filed 8 August 1988. The instant application is assigned to Igene Corporation.